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Ms. Annette L. Vietti-Cook
Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemaking and Adjudication Staff

**Paducah Gaseous Diffusion Plant
Portsmouth Gaseous Diffusion Plant
Docket Nos. 70-7001 & 70-7002**

USEC Comments on Proposed Revision to 10 CFR Part 71: Compatibility with ST-1 - The IAEA Transportation Safety Standards – And Other Transportation Safety Issues (65 FR 44360)

Dear Ms. Vietti-Cook:

United States Enrichment Corporation (USEC) is pleased to have the opportunity to provide comments on the Proposed Revision to 10 CFR Part 71: Compatibility with ST-1 - The IAEA Transportation Safety Standards – And Other Transportation Safety. USEC appreciates NRC's efforts to harmonize the domestic hazardous materials regulations with the international requirements, "Regulations for the Safe Transport of Radioactive Material, No. ST-1." However, there are areas of ST-1 that should be addressed and/or modified before being adopted. General and specific comments are provided in the enclosure to this letter. As indicated in the enclosure, USEC is also endorsing the Nuclear Energy Institute (NEI) comments on this proposed rule change except as noted.

There are no new commitments in this letter. If you have any questions regarding the information in this letter, please contact Dr. Beth Darrough at (301) 564-3422 or Russ Wells at (301) 564-3245.

Sincerely,

Steven A. Toelle
Director, Nuclear Regulatory Affairs

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**USEC Comments On
PROPOSED REVISION TO 10 CFR PART 71: COMPATIBILITY WITH
ST-1 - THE IAEA TRANSPORTATION SAFETY STANDARDS – AND
OTHER TRANSPORTATION SAFETY ISSUES**

USEC comments on NRC's Issues listed in the Federal Register Notice:

NRC Issue	Comment
#5 – CSI Requirements	USEC disagrees that adding the CSI requirement is acceptable. The Transportation Index (TI) already incorporates the more restrictive of the two values, i.e., dose and criticality and provides adequate protection. There seems to be no gain in safety by adding this new CSI requirement. Its addition would, in fact, create more opportunities for human error. Any benefit in adding the CSI is far outweighed by its costs, e.g., additional labor, material, training and administration, for a company that ships thousands of packages each year.
#8 – Grandfathering of Previously Approved Packages	A two-year review cycle could create confusion on the part of shippers and officials, even to the point of interrupting shipments. Because companies ship their material internationally, and different countries have different schedules and processes for adopting the IAEA regulations, the shipper may have to comply with multiple versions of the regulations for any one shipment. Similarly, packaging designers may find that the regulations have changed mid-way through the design, testing and certification process. Because the development of new packaging may take years, the packaging designed to the regulations in effect at the time the design process was started may be outdated by the time the testing and certification process is completed, if regulations are changed every two years.
General – all issues	USEC endorses the comments presented by the Nuclear Energy Institute (NEI) at the NRC public meeting on August 10, 2000 and the written comments submitted by NEI to the NRC, with the exception of NEI's comments on the Criticality Safety Index (CSI) requirements (see USEC's comments on Issue #5).

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USEC comments on ST-1 (Appendix A in the Proposed Rule):

Paragraph	Recommended Change	Basis for change
ST-1: 310	For excepted packages, a graded approach for QA should be used, with consideration of current controls/programs.	Given the low levels of radioactive material contained in excepted packages and the corresponding low potential for risk, these packages should not be subject to the full provisions of the QA program outlined in ST-1. The QA requirements should be commensurate with the level of potential risk of a package. Shipping and handling of UF ₆ is controlled by an NRC-approved QA program for facility operations.
ST-1: 310	Acknowledge that the 2S sample containers are acceptable for continued shipment.	The 2S packaging is a 7 A Type A package, shipped inside another 7A Type A container, and is compliant with ANSI N14.1. The 2S containers are shipped as a fissile excepted quantity and hold 4.9 lb. (2.22 kg) of UF ₆ . Changing the requirements for shipping the 2S containers would create burdensome operational changes and cost for USEC, with questionable safety benefit. Although there are only about 25 of these containers currently shipped each year between USEC's Paducah and Portsmouth plants, planned changes to business operations in future years will require a ten-fold increase to those shipments in a continuous flow between the two plants.
ST:1 629	Clarify that the requirements of ISO-7195 and ANSI N14.1 are equivalent.	ISO-7195 and ANSI-N14.1 provide an equivalent level of safety. The two committees communicate with each other in an attempt to harmonize the two standards. However, minor variations do occur. USEC has regulatory commitments to comply with ANSI N14.1 and it would be impractical and costly to have to comply with redundant standards.

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Paragraph	Recommended Change	Basis for change
ST-1: 629	Acknowledge that packagings containing less than 0.1 kg of UF ₆ should be exempt from paragraphs 629 and 630.	The small packagings, e.g., P-10, Hoke and pinch tubes, contain less than 0.1 kg of UF ₆ and have historically been shipped as “Fissile Exempted.” At the IAEA’s meeting in March 2000, it was acknowledged that these ST-1 sections were incorrect and that cylinders containing less than 0.1 kg of UF ₆ should be exempt from the testing requirements. Shipments of the UF ₆ sample containers are almost always made by air. Air shipment is important to allow facilities time to analyze the samples before the commercial quantities of UF ₆ are accepted. Conditions of the customer contracts and/or facility licensing require that analysis of sample material be expedited to ensure that the material meets the specifications and is consistent with the facility’s operating procedures. There are no overpacks available that could be used for these containers. Interrupting shipments of the small containers could have a major impact upon the UF ₆ industry because several hundred of the sample containers are shipped each year in the USA.
ST-1: 630	Clarify that the testing requirements are not applicable to cylinders containing heels or clean empty and new cylinders that have never been exposed to UF ₆ .	Cylinders containing heels are routinely shipped under certificate USA/0411/AF. The heels of the 48-inch and 30-inch cylinders weigh more than 0.1 Kg. Without this clarification, one could interpret that ST-1 requirements apply to clean, empty and new cylinders.